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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,689	06/07/2001	Scott D. Guthrie	MS#160316.1/M&G#40062.101	8204

22801 7590 02/02/2004
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EXAMINER

BADERMAN, SCOTT T

ART UNIT	PAPER NUMBER
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2113

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/876,689

Applicant(s)

GUTHRIE ET AL.

Examiner

Scott T Baderman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-15, 18-24 and 27 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 16, 17, 25 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 9 is objected to because of the following informalities: In lines 2 and 3, “the request”, “the http status code” and “the request type” lack antecedent basis. Appropriate correction is required.

2. Claim 18 is objected to because of the following informalities: In lines 2 and 3, “the request”, “the http status code” and “the request type” lack antecedent basis. Appropriate correction is required.

3. Claim 27 is objected to because of the following informalities: In lines 2 and 3, “the request”, “the http status code” and “the request type” lack antecedent basis. Appropriate correction is required.

Allowable Subject Matter

4. Claims 7, 8, 16, 17, 25 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4, 10-13 and 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Pauw et al. (US 2004/0015879 A1).

As in claims 1, 10 and 19, Pauw discloses a method and system for collecting runtime information for an application in a computing system (page 2: paragraph 21) that comprises locating trace statements in a source code of the application (i.e., by gathering trace execution information from the program being monitored is interpreted as locating trace statements in a source code of the monitored program – see Figure 1, page 2: paragraphs 15 and 22), collecting information regarding the trace statements (Figure 1, Abstract, page 2: paragraph 22) and outputting the information for use by a user (page 2: paragraphs 15 and 22).

As in claims 2, 11 and 20, Pauw discloses detecting if a trace function is enabled before locating trace statements (i.e., before performing a trace on the program being monitored – see Figure 1, “enable/disable”).

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As in claims 3, 12 and 21, Pauw discloses an “enable/disable” function in the trace process (Figure 1), which is interpreted that if the trace process is “enabled”, it performs the method in claim 1 above, and if the trace process is “disabled”, it will not perform a trace on the program being monitored (i.e., the trace statements are ignored).

As in claims 4, 13 and 22, Pauw discloses organizing the information according to predefined organizational attributes (i.e., show a subset of the execution space corresponding to just those invocations that perform database operations when called from specific program tasks – see page 2: paragraph 15).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5, 14 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pauw et al..

As in claims 5, 14 and 23, Pauw disclose the method and system in claims 1, 10 and 19 above. However, Pauw does not disclose collecting server control information, cookie information, header information and server variable information.

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It would have been obvious to a person skilled in the art at the time the invention was made to include collecting server control information, cookie information, header information and server variable information into the method and system taught by Pauw above. This would have been obvious because Pauw clearly teaches that the program being monitored is associated with the transaction process of a server (page 1: paragraphs 3 and 14, page 2: paragraphs 15 and 21). Further, Pauw specifically teaches that “understanding the behavior of a complex software program, such as a transaction server, for an e-commerce application, often requires a balance between the *level of detail* and the *volume of information that is analyzed* (page 1: paragraph 3). This teaching would have suggested to a person skilled in the art that the “level of detail of information being analyzed” could include server control information, cookie information, header information and server variable information since this information is critical information when processing a transaction in a server.

9. Claims 6, 9, 15, 18, 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pauw et al. in view of Anderson et al. (Book: “A Preview of Active Server Pages+”).

As in claims 6, 15 and 24, Pauw discloses the method and system above. However, Pauw does not disclose outputting the information to a bottom of a page for viewing by a user. Anderson discloses a method and system for tracing an application wherein the output can be rendered automatically as an HTML table at the end of the page (i.e., an ASP) (pp. 37-38).

It would have been obvious to a person skilled in the art at the time the invention was made to include outputting the information to a bottom of a page for viewing by a user into the

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method and system taught by Pauw above. This would have been obvious because Pauw and Anderson both teach of tracing an application executing on a remote processor, wherein both output the information for use by a user (see above citations). A person skilled in the art would have understood that Pauw does not limit the tracing process to any specific type of processor (other than a server), but rather suggests that it can be implemented over any type of transmission medium (e.g., the world wide web – see page 3: paragraph 32). Knowing this, it would have been suggested to a person skilled in the art that the tracing process taught by Pauw above could be included in the ASP environment, as taught by Anderson, and visa versa, which would allow the output information taught by Pauw to be outputted to a bottom of a page for viewing by a user.

As in claims 9, 18 and 27, Pauw discloses the method and system above. However, Pauw does not disclose collecting information such as, when a request occurred, what was the http status code and what was the request type. Anderson discloses a method and system for tracing an application wherein the information collected is that of, when a request occurred, what was the http status code and what was the request type (pp. 37-38, see diagram on p. 38).

It would have been obvious to a person skilled in the art at the time the invention was made to include collecting information such as: when a request occurred, what was the http status code and what was the request type into the method and system taught by Pauw above. This would have been obvious because Pauw and Anderson both teach of tracing an application executing on a remote processor, wherein both collect information and output the information for use by a user (see above citations). A person skilled in the art would have understood that Pauw

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does not limit the tracing process to any specific type of processor (other than a server), but rather suggests that it can be implemented over any type of transmission medium (e.g., the world wide web – see page 3: paragraph 32). Knowing this, it would have been suggested to a person skilled in the art that the tracing process taught by Pauw above can be included in the ASP environment, as taught by Anderson, and visa versa, which would allow the information collected by Pauw to be that of: when a request occurred, what was the http status code and what was the request type. Further, Anderson clearly teaches that this information is considered useful internal parameters (pp. 37-38).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See Form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott T Baderman whose telephone number is (703) 305-4644. The examiner can normally be reached on Monday-Friday, 6:45 AM-4:15 PM, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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A handwritten signature in black ink, appearing to read 'S. Baderman', with a long horizontal flourish extending to the right.

Scott T Baderman
Primary Examiner
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STB